

REMARKS

Reconsideration of the previous rejections over the prior art references is respectfully requested in view of the foregoing amendments.

Claims 1-2, 9-10, 13, 15, 36, 37, 39, 40, 40-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Santarossa (U.S. Patent 6,253,510) in view of Margarit (U.S. Patent 5,979,132) and Lorbiecki (U.S. Patent 5,743,979). Reconsideration of this rejection is respectfully requested.

It is alleged that Santarossa shows a molding having a surface formed of a thermosetting resin and a decor sheet (column 3, lines 1-10), the molding having a general planar floor engaging surface (the surface of the core that meets with the surface of the pad 10, Fig. 1, top).

Such allegations of the teachings of Santarossa are clearly erroneous. Santarossa is directed to a crown molding as disclosed at column 1, lines 45 *et seq.* As is known to those skilled in the art, a crown molding is not between a floating floor and wall but, rather, between a wall and a ceiling.

Moreover, the cited portion of column 3, lines 1-10 alleging to show a surface formed of a thermosetting resin and a decor sheet is clearly without support in the teachings of Santarossa. Therein it is taught that the decorative surface of a foam (core) is an acrylic matrix.

As is well known to those of ordinary skill in the art, acrylic is thermoplastic, not thermosetting; See, for example, *The Dictionary of Scientific and Technical Terms*, by McGraw-Hill (1972, page 18, “acrylic resin”). Moreover, there is absolutely no teaching in Santarossa of a “decor sheet” as recited in the claim. Moreover, the claimed invention does not merely claim a core of any material but, rather, a core formed from wood particles. Further, the claimed invention specifies the material of which a pad is formed. The Examiner clearly admits that “Santarossa does not show the

core formed from compressed wood particles, nor a pad selected from the group consisting of a natural or synthetic rubber, compressed open cell foamed plastics, closed cell foam plastics, elastomer poymer (sic-polymer) materials and hollow core polymer materials.” In summary, of all the recited limitations of the claims, Santarossa shows none.

Notwithstanding the gross deficiencies of Santarossa as a primary teaching, the Examiner proposes to modify every portion of Santarossa with either Margarit, Lorbiecki or, in the case of claims 3 and 5-8, with DeGraan (U.S. Patent 4,655,009). Such a major reconstruction of the teachings of Santarossa by proposing to modify Santarossa with the secondary references would not have been obvious to the ordinary worker skilled in the art and the Examiner has provided no motivation why one would completely disregard the teachings of Santarossa to modify each and every of the features of Santarossa so as to obtain the claimed invention.

The Examiner clearly fails to establish a *prima facie* case of obviousness which would be reversible error both at the Board of Appeals, as well as the reviewing courts; See, for example, Ex Parte Levengood, 28 USPQ 2d 1300, 1302 (BPAI 1993), stating:

“Our reviewing courts have often advised the Patent and Trademark Office that it can satisfy the burden of establishing a *prima facie* case of obviousness only by showing some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art , that ‘would lead’ that individual to combine the relevant teachings of the references.” In re Fein, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988); In re Newell, 891 F.2d 899, 13 USPQ 2d 1248 (Fed. Cir. 1989). Accordingly, the Examiner can not establish obviousness by locating references which describe various aspects of the patent applicant’s invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done.”

Here, not only has the Examiner not provided the motivation that would impel one skilled in the art to do what the patent applicant has done, but looks to prior art which is outside and not

analogous to the invention, i.e., Lorbiecki. Lorbiecki is directed to a method of forming fabric for seat cushions and the Examiner's citation of resilient pad (136) made of an open cell foam plastics in Lorbiecki (best shown in Fig. 8), is not analogous to a foam pad on a molding as in the instant claimed embodiment.

In Lorbiecki, the use of pad 136 is to prevent damaging film 28, which is relatively thin, by providing the support pad 136 between the support channel 132 and clamping bracket 134; See, for example, the disclosure at column 10, lines 24-30. One having ordinary skill in the art would not look to Lorbiecki to modify the molding of Santarossa because pad 136 in Lorbiecki is part of a molding apparatus for forming fabric and not part of a finished molding element.

Still further, the reliance on the combination of Santarossa in view of Margarit and Lorbiecki as applied to claim 1 above, and further in view of DeGraan (U.S. Patent 4,655,009) in rejecting claims 3 and 5-8 still does not correct the foregoing deficiencies in the combination of Santarossa, Margarit and Lorbiecki. For the foregoing reasons, withdrawal of the rejection of claims 1-3, 5-8, 9-10, 13, 15, 36, 37, 39, 40 and 44-45 is respectfully requested.

Reconsideration of the alternative rejection of claims 1-2, 11, 27-28, 30, 32-34, 36-37, 39, and 40-43 under 35 U.S.C. §103(a) as being unpatentable over Keith (U.S. Patent 3,982,780) in view of Margarit and Lorbiecki is respectfully requested. As with Santarossa, Keith is admitted by the examiner as not showing a core of compressed wood particles as expressly recited, a pad material selected from the group consisting of natural or synthetic rubber, compressed open cell foam plastics, closed cell foam plastics, elastomer polymer materials and hollow core polymer materials. Keith also does not teach a surface formed of a thermosetting resin and a decor sheet as expressly recited in the

claims because decorative “foils” 56 (Keith), column 4, lines 7-8 (or any other part of Keith) does not describe such a structure or materials.

Thus, Keith, like Santarossa, does not disclose a core of compressed wood particles, the thermosetting resin and decor sheet, the pad material selected from the group consisting of natural or synthetic rubber, compressed open cell foam plastics, closed cell foam plastics, elastomer polymer materials and hollow core polymer materials all as recited in the claims. As noted above, Lorbiecki, although teaching a resilient pad (136), is non-analogous art and the resilient pad in Lorbiecki is used only for forming fabric materials and would not have motivated or led one of ordinary skill in the art to the claimed invention. Even when further combined with Strasser in rejecting claim 12, or Madonia et al in rejecting claim 14, the proposed combination of references does not correct the foregoing deficiencies in the proposed combination of Keith, Margarit and Lorbiecki.

Lastly, none of the references teach a method of installing a molding between a wall and a floating floor as specified in claims 27-28, 30-34, and 41-43.

As the Examiner has not established a *prima facie* case of obviousness for the claimed invention as required by decisions of the Patent Office Board of Patent Appeals and Interferences and its reviewing courts, withdrawal of all rejections and passage of the application to issue are respectfully requested.

Applicants have added new claims 47 and 48 directed to a particularly preferred embodiment of the claimed invention, with support being found in the original disclosure, for example, in original claim 1, as well as in the drawings, the written description at page 2, last full paragraph, as well as page 4, third full paragraph and page 5, second full paragraph. Accordingly, the foregoing new claims do not raise the issue of new matter and are also allowable at least for the reasons presented

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above in connection with the proposed combination of references by the Examiner in the preceding Office Action.

A prompt Notice of Allowance is respectfully requested.

Respectfully submitted,



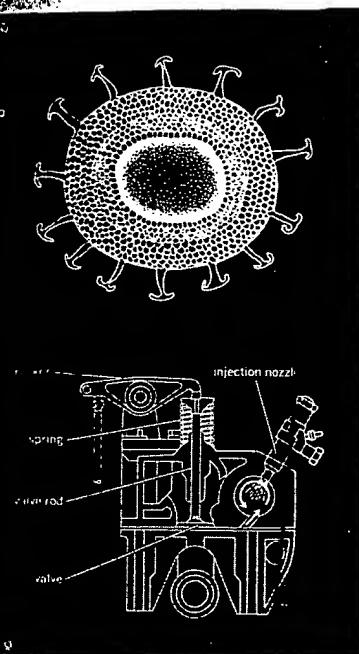
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In addition, material has been drawn from the following references: R. E. Huscke, *Glossary of Meteorology*, American Meteorological Society, 1959; *U.S. Air Force Glossary of Standardized Terms*, AF Manual 11-1, vol. 1, 1972; *Communications-Electronics Terminology*, AF Manual 11-1, vol. 3, 1970; W. H. Allen, ed., *Dictionary of Technical Terms for Aerospace Use*, 1st ed., National Aeronautics and Space Administration, 1965; J. M. Gilliland, *Solar-Terrestrial Physics: A Glossary of Terms and Abbreviations*, Royal Aircraft Establishment Technical Report 6718, 1967; *Glossary of Air Traffic Control Terms*, Federal Aviation Agency; *A Glossary of Range Terminology*, White Sands Missile Range, New Mexico, National Bureau of Standards, AD 467-424; *A DOD Glossary of Mapping, Charting and Geodetic Terms*, 1st ed., Department of Defense, 1967; P. W. Thrush, comp. and ed., *A Dictionary of Mining, Mineral, and Related Terms*, Bureau of Mines, 1968; *Nuclear Terms: A Glossary*, 2d ed., Atomic Energy Commission; F. Casey, ed., *Compilation of Terms in Information Sciences Technology*, Federal Council for Science and Technology, 1970; *Glossary of Stinfo Terminology*, Office of Aerospace Research, U.S. Air Force, 1963; *Naval Dictionary of Electronic, Technical, and Imperative Terms*, Bureau of Naval Personnel, 1962; *ADP Glossary*, Department of the Navy, NAVSO P-3097.

McGRAW-HILL DICTIONARY OF SCIENTIFIC AND TECHNICAL TERMS
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and pharmaceuticals. Also known as 2-formyl-3,4-dihydro-2H-pyran.

acrolein test [ANALY CHEM] A test for the presence of glycerin or fats; a sample is heated with potassium bisulfate, and acrolein is released if the test is positive.

acromegaly [MED] A chronic condition in adults caused by hypersecretion of the growth hormone and marked by enlarged jaws, extremities, and viscera, accompanied by certain physiological changes.

acromelalgia See erythromelalgia.

acromere [HISTOL] The distal portion of a rod or cone in the retina.

acrometer [ENG] An instrument to measure the density of oils.

acromion [ANAT] The flat process on the outer end of the scapular spine that articulates with the clavicle and forms the outer angle of the shoulder.

acromorph [GEOOL] A salt dome.

acron [EVOL] Unsegmented head of the ancestral arthropod. [INV ZOO] 1. The preoral, nonsegmented portion of an arthropod embryo. 2. The prostomial region of the trochophore larva of some mollusks.

acroparesthesia [MED] A chronic self-limited symptom complex associated with a variety of systemic diseases, characterized by tingling, pins-and-needles sensations, numbness or stiffness, and occasionally pains in the hands and feet.

acropetal [BOT] From the base toward the apex, as seen in the formation of certain organs or the spread of a pathogen.

acrophobia [PSYCH] Abnormal fear of great heights.

Acrosalenidae [PALEON] A family of Jurassic and Cretaceous echinoderms in the order Salenoida.

acrosopic [BOT] Facing, or on the side toward, the apex.

acrosome [CYTOL] The anterior, crescent-shaped body of spermatozoon, formed from Golgi material of the spermatid. Also known as perforatorium.

acrosore [MYCOL] In fungi, a spore formed at the outer tip of a hypha.

acrotarsium [ANAT] Instep of the foot.

acroterion [ARCH] 1. A pedestal on a pediment to support an ornamental, such as a statue. 2. An ornamental placed on such a pedestal.

Acrothoracida [INV ZOO] A small order of burrowing barnacles in the subclass Cirripedia that inhabit corals and the shells of mollusks and barnacles.

Acrotretacea [PALEON] A family of Cambrian and Ordovician inarticulate brachiopods of the suborder Acrotretidina.

Acrotretida [INV ZOO] An order of brachiopods in the class Inarticulata; representatives are known from Lower Cambrian to the present.

Acrotretidina [INV ZOO] A suborder of inarticulate brachiopods of the order Acrotretida; includes only species with shells composed of calcium phosphate.

acrozone See range zone.

acrylamide [ORG CHEM] $\text{CH}_2\text{CHCONH}_2$ A crystalline amide of acrylic acid.

acrylamide copolymer [ORG CHEM] A thermosetting resin formed of acrylamide with other resins, such as the acrylic resins.

acrylate [ORG CHEM] 1. A salt or ester of acrylic acid. 2. See acrylate resin.

acrylate resin [ORG CHEM] Acrylic acid or ester polymer with a $-\text{CH}_2-\text{CH}(\text{COOR})-$ structure; used in paints, sizings and finishes for paper and textiles, adhesives, and plastics. Also known as acrylate.

acrylic acid [ORG CHEM] CH_2CHCOOH An easily polymerized, colorless, corrosive liquid used as a monomer for acrylate resins.

acrylic ester [ORG CHEM] An ester of acrylic acid.

acrylic fiber [TEXT] Any of numerous synthetic textile fibers made by polymerization of acrylonitrile.

acrylic resin [ORG CHEM] A thermoplastic synthetic organic polymer made by the polymerization of acrylic derivatives such as acrylic acid, methacrylic acid, ethyl acrylate, and methyl acrylate; used for adhesives, protective coatings, and finishes.

acrylic rubber [ORG CHEM] Synthetic rubber containing acrylonitrile; for example, nitrile rubber.

acrylonitrile [ORG CHEM] CH_2CHCN A colorless liquid compound used in the manufacture of acrylic rubber and fibers. Also known as vinylcyanide.

acrylonitrile-butadiene rubber See nitrile rubber.

acrylonitrile-butadiene styrene resin [ORG CHEM] A polymer made by blending acrylonitrile-styrene copolymer with butadiene-acrylonitrile rubber or by interpolymerizing polybutadiene with styrene and acrylonitrile; combines the advantages of hardness and strength of the vinyl resin component with the toughness and impact resistance of the rubber component. Abbreviated ABS resin.

acrylonitrile copolymer [ORG CHEM] Oil-resistant synthetic rubber made by polymerization of acrylonitrile with compounds such as butadiene or acrylic acid.

acrylonitrile rubber See nitrile rubber.

ACSR See aluminum cable steel-reinforced.

Actaeonidae [INV ZOO] A family of gastropod mollusks in the order Tectibranchia.

Actaletidae [INV ZOO] A family of insects belonging to order Collembola characterized by simple tracheal system.

ACTH See adrenocorticotrophic hormone.

Actidione [MICROBIO] Trade name for the antibiotic cyclohexamide.

actin [BIOCHEM] A muscle protein that is the chief component of the Z-band myofilaments of each sarcomere.

actinal [INV ZOO] In radially symmetrical animals, refers to the part from which the tentacles or arms radiate or to the side where the mouth is located.

Actiniaria [INV ZOO] The sea anemones, an order of coelenterates in the subclass Zoantharia.

actinic [PHYS] Pertaining to electromagnetic radiation capable of initiating photochemical reactions, as in photography or the fading of pigments.

actinic focus [OPTICS] The point in an optical system which the chemically most effective rays (usually those in ultraviolet) converge. Also known as chemical focus.

actinic glass [OPTICS] Glass that transmits more of the visible components of incident radiation and less of the infrared and ultraviolet components.

actinide series [CHEM] The group of elements of atomic number 89 through 103. Also known as actinoid elements.

actinism [CHEM] The production of chemical changes in a substance upon which electromagnetic radiation is incident.

actinium [CHEM] A radioactive element, symbol Ac, atomic number 89; its longest-lived isotope is Ac^{227} with a half-life of 21.7 years; the element is trivalent; chief use is in equilibrium with its decay products, as a source of alpha rays.

actinium decay series [NUCLEO] A series of radioactive decay products derived from uranium-235.

actinium emanation See actinon.

actinobacillosis [VET MED] A bacterial disease of domestic animals caused by *Actinobacillus lignieresii*.

Actinobacillus [MICROBIO] A genus of aerobic, gram-negative bacteria in the family Brucellaceae; species are pathogenic for animals, occasionally for man.

Actinobacillus mallei [MICROBIO] A gram-negative, nonspore-forming rod-shaped bacterium, identified as the causative agent of glanders.

actinocarpous [BOT] Having flowers and fruit radiating from one point.

actinochemistry [CHEM] A branch of chemistry concerned with chemical reactions produced by light or other radiation.

actinochitin [BIOCHEM] A form of birefringent or anisotropic chitin found in the setae of certain mites.

Actinochitinos [INV ZOO] A group name for two closely related suborders of mites, Trombidiformes and Sarcoptiformes.

actinodielectric [ELEC] Of a substance, exhibiting an increase in electrical conductivity when electromagnetic radiation is incident upon it.

actinoelectricity [ELEC] The electromotive force produced by a substance by electromagnetic radiation incident upon it.

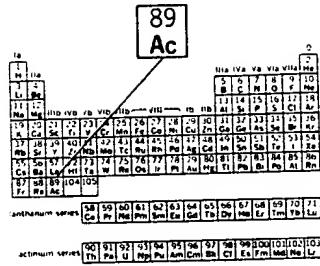
actinogram [ENG] The record of heat from a source, such as the sun, as detected by a recording actinometer.

actinograph [ENG] A recording actinometer.

actinoid elements See actinide series.

actinolite [MINERAL] $\text{Ca}_2(\text{Mg},\text{Fe})_3\text{Si}_8\text{O}_{22}(\text{OH})_2$ A

ACTINIUM



Periodic table of the chemical elements showing the position of actinium.